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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,437	09/23/2003	Michael C. Kautzky	I69.12-0593	2388

164 7590 06/30/2006

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312 SOUTH THIRD STREET  
MINNEAPOLIS, MN 55415-1002

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/668,437

**Applicant(s)**

KAUTZKY ET AL.

**Examiner**

David D. Davis

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al (US 2003/0189798). As per claims 1, 2 and 11, Lin et al discloses in sections [0004] and [0008] a magnetic sensor 204 including a sensor stack 208; and an arrangement for providing an electric field that creates a charge carrier depleted region in the sensor stack to produce an electrical dimension or electrical read width of the sensor stack 208, which is smaller than a corresponding physical dimension of the sensor stack 208. As per claims 3, 7 and 12-15, Lin et al shows in figure 7 the arrangement for providing an electric field includes at least two bias electrodes 262 & 280, which are biased with voltages of opposite polarity, disposed on opposing sides of the sensor stack 208 such that an electrical width of the sensor stack 208 is a function of a bias voltage applied to the two bias electrodes 262 & 280.

As per claims 8 and 10, Lin et al also shows in figure 7 the arrangement for providing an electric field including a bias electrode 262 & 280 disposed on a side of the sensor stack 208. Inherent in Lin et al is that an electrical width or an electrical strip height of the sensor stack 208 is a function of a voltage of the bias electrode. As per claim 9, Lin et al shows in figure 7 that the electrical dimension is electrical stripe height.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 2003/0189798). Lin et al discloses the claimed invention. However, Lin et al is silent as to the two bias electrodes being biased with positive or negative DC bias voltages or an AC bias voltage. Lin et al is also silent as to the magnetoresistive stack being a tunneling magnetoresistive stack.

Official notice is taken of the fact that two bias electrodes biased with positive or negative DC bias voltages or an AC bias voltage and the magnetoresistive stack being a tunneling magnetoresistive stack is notoriously old and well known in the magnetic head art.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the bias electrodes with positive or negative DC bias voltages or an AC bias voltage as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide different types of bias voltages to provide flexibility in when biasing the magnetic head.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a magnetoresistive stack in a magnetic head with a tunneling magnetoresistive stack as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to a magnetoresistive stack with a tunneling magnetoresistive stack so as to be able to read higher density magnetic disks.

### ***Response to Arguments***

6. Applicant's arguments filed March 22, 2006 have been fully considered but they are not persuasive. Applicant assert in the paragraph bridging pages 6 and 7 and the first full paragraph on page 7 "that the physical read width is identical to the electrical read width" of Lin et al. Applicant's assertion is moot because the *claimed* invention does not preclude a physical and a electrical width from being identical. In other words, Applicant has not limited, in the claims, the boundaries of the width to the extent that they are different from the applied prior art.

Assuming arguendo the widths in applicant's claims provide specific limiting widths and boundaries, the applied prior art clearly anticipates the corresponding widths as Lin et al

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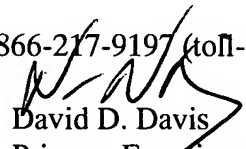
discloses in sections [0004] and [0008] which curiously applicant has not specifically addressed in the remarks received March 22, 2006.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David D. Davis  
Primary Examiner  
Art Unit 2627

ddd